

**PROPOSED AMENDMENTS  
LOCAL BANKRUPTCY RULES  
U.S. BANKRUPTCY COURT, DISTRICT OF ALASKA**

Public comment is solicited on proposed amendments to the Local Bankruptcy Rules for the District of Alaska. The proposed amendment is to LBR 9014-1.

Comments are due February 28, 2003 to:

U.S. District Court, Alaska  
Attn: Rules Attorney  
222 West Seventh Avenue, Stop 4  
Anchorage, AK 99513-7564

or by email to [AKD-Rules@akd.uscourts.gov](mailto:AKD-Rules@akd.uscourts.gov)

## **Rule 9014-1 Service and Filing of Pleadings and Documents in Contested Matters**

(a) **Electronic.** AK LBR 7005-1 applies in contested matters.

(b) **Discovery Documents.** Unless otherwise ordered by the court, disclosures under F.R.Civ.P 26(a), depositions, interrogatories, requests for production, and requests for admission are not to be filed with the court until used in the proceeding.

### **Related Provisions:**

FRCP 5	Serving and Filing Pleadings and Other Papers
FRCP 26–36	Depositions and Discovery
FRBP 7005	Service and Filing of Pleadings and Other Papers
FRBP 9014	Contested Matters
AK LBR 7005-1	Electronic Service

### **COMMENT**

The October 1, 2002 amendments inadvertently deleted the provision in the local rules that discovery documents were not to be filed with the court in contested matters. Prior to October 1, 2002, the local bankruptcy rules incorporated by reference D.Ak. LR 26.4, which provided that discovery documents were not to be filed with the court until used or otherwise ordered. LR 26.4 was abrogated effective October 1, 2002 because the subject matter is now covered in F.R.Civ.P. 5(d). That does not present a problem in adversary actions because Rule 7005 incorporates F.R.Civ.P. 5 for adversary actions. However, it does not cover the rare situation when there is discovery in a contested matter under Rule 9014. Rule 9014 does not incorporate Rule 7005. Consequently, there is no current provision covering the routine filing of discovery documents in a contested matter. As amended, 9014-1(b) restores the matter of filing discovery documents in contested matters to the pre-October 1, 2002 status.